

REMARKS

The Applicant respectfully solicits a Notice of Allowance in view of the above amendments and the remarks set forth below.

Claims 30-42 are currently pending in this application. Claims 15-29 have been cancelled and claims 30-42 have been newly added by way of the present Amendment. None of the pending claims stand rejected.

The Applicant respectfully solicits an indication of allowability for claims 30-33.

The Applicant respectfully submits that the addition of these claims will not require an additional search, as the recitations of these claims were comprised in canceled claims 15-29. These claims recite a system comprising a plurality of reverse communication channels and a plurality of forward communication channels. Each of the plurality of reverse communication channels and each of the plurality of forward communication channels utilize the same carrier frequency. Further, each of the plurality of reverse communication channels and each of the plurality of forward communication channels have a unique code. The plurality of reverse communication channels and the plurality of forward communication channels transmit data simultaneously.

In the Office Action, cancelled claims 15-29 were rejected under 35 U.S.C. § 102(b) as being anticipated by Omura (U.S. Patent No. 5,235,615). However, unlike the recitations of claims 30-33, Omura does not disclose a plurality of reverse communication channels and a plurality of forward communication channels that transmit data simultaneously. This is evident and apparent in view of the disclosure in column 4, lines 56-58 that "[t]he present invention uses time division duplexing (TDD), also called the 'ping pong' protocol, to achieve full duplex operation using the same frequency." Accordingly, if the disclosure of Omura relates to TDD,

then one of ordinary skill in the art would appreciate that this disclosure does not anticipate a plurality of reverse communicate channels and a plurality of forward communication channels transmitting data simultaneously, as recited in claims 30-33.

The Applicant respectfully solicits an indication of allowability for newly added claims 34-37. The Applicant respectfully submits that a new search would not be required for examination of these claims, as the recitations of claims 34-37 were comprised in cancelled claims 15-29. These claims recite an apparatus comprising a transmitter and a receiver. The transmitter is configured to transmit data on a reverse communication channel. The receiver is configured to receive data on a forward communication channel. The reverse communication channel and the forward communication channel utilize the same carrier frequency. Further, the reverse communication channel and the forward communication channel each have a unique code. The reverse communication channel and the forward communication channel are configured to transmit data simultaneously.

The Applicant respectfully submits, for similar reasons as discussed above, that Omura does not disclose a reverse communication channel and a forward communication channel that are configured to transmit data simultaneously, as recited in claims 34-37.

The Applicant respectfully solicits an indication of allowability for newly added claims 38-42. The Applicant respectfully submits that a new prior art search is not necessitated by this amendment, as the recitations of these claims were comprised in cancelled claims 15-29. These claims recite an apparatus comprising a transmitter and a receiver. The transmitter is

configured to transmit data on a plurality of forward communication channels. The receiver is configured to receive data on a plurality of reverse communication channels. Each of the plurality of reverse communicating channels and each of the plurality of forward communication channels utilize the same carrier frequencies. Each of the plurality of reverse communication channels and each of the forward communication channels have a unique code. The reverse communication channels and the forward communication channels are configured to transmit data simultaneously.

The Applicant respectfully submits, for similar reasons as discussed above, that Omura does not disclose reverse communication channels and forward communication channels that are configured to transmit data simultaneously, as recited in claims 38-41.

The Applicant respectfully solicits an indication of allowability for newly added claim 42. The claim 42 recites a means for transmitting a forward communication channel and a reverse communication channel simultaneously. This claim is in means-plus-function format and therefor invokes the sixth paragraph of 35 U.S.C. § 112. Accordingly, the scope of this claim is limited to the structure disclosed in the specification associated with the recited function. The functional language of claim 42 is "transmitting the forward communication channel and the reverse communication channel simultaneously."

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments

Serial No. 09/189,793

Docket No. K-039

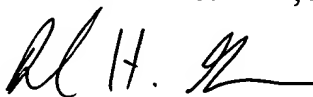
amplify issues previously discussed throughout prosecution without incorporating additional subject matter); and (3) satisfy a requirement of form asserted in the previous Office Action. Entry is thus requested.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Daniel H. Sherr at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Daniel Y.J. Kim
Registration No. 36,186
Daniel H. Sherr
Registration No. 46,425

P.O. Box 221200
Chantilly, VA 20153-1200
703 502-9440 DYK/DHS:lms
Date: June 17, 2002